

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUMMAYOS ex rel. R.L., et al.,

Plaintiffs,

- against -

BANKS, et al.,

Defendants.

23-CV-10182

ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 11/22/23
DATE FILED: 11/22/23

VICTOR MARRERO, United States District Judge.

Plaintiff Kamolporn Lummayos ("Lummayos"), who brings this suit as parent and guardian of R.L., has moved for emergency relief, seeking an order from this Court on an *ex parte* basis that the New York City Department of Education ("DOE") must immediately fund the cost of the plaintiffs' attendance at the International Academy for the Brain ("iBRAIN"). See Dkt. Nos. 11, 12. Lummayos has not "clearly show[n]" that "immediate and irreparable injury" will result "before the adverse party can be heard in opposition," and the Court denies Lummayos' motion for emergency *ex parte* relief. Fed. R. Civ. P. 65(b)(1). Lummayos' attorney also has not certified in writing the reasons why the Court should not be required to wait to hear DOE's opposition, which is required for *ex parte* relief. Id.

The parties are directed to jointly propose a briefing schedule for Lummayos' motion for a preliminary injunction.

SO ORDERED.

Dated: 22 November 2023
New York, New York



Victor Marrero
U.S.D.J., Part I